

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.1

DATE: September 14, 2011

ACTION REQUESTED: Nursys Discipline Data Comparison (Scrub) Update

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records.

Currently, 1,805 records have been reviewed on the active license list. Determination was made whether the cases warranted a request for the other state's discipline documents. This review resulted in 1,050 requests for out-of-state documents. The documents will be evaluated and a decision made as to the appropriate action needed.

Review of the inactive license spreadsheet is in progress and will continue until complete. Holds have been placed on 1,915 inactive records to alert staff when a nurse on the list attempts to activate their license. This alert will allow staff to immediately request and review the records to determine if out-of-state discipline documents are needed for possible action on the license.

The status of the documents reviewed:

Referred to the Attorney General	336
Pleadings Received	294
Notices of Defense Received	164
Referred to Cite and Fine	42
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	615
Settlement or Decision Pending	150
Surrender or Revocation	116
Probation or Reprimand	28

UPDATE:

The amendment to the contract with the National Council of State Boards of Nursing (NCSBN) has been fully executed. Currently the Office of Information Services is working with the NCSBN to ensure the appropriate data fields are sent to NURSUS when all of our licensing data is transferred.

AG COSTS:

As of June 30, 2011, the BRN has expended \$675,835 at the AG's office on the Nursys Scrub cases.

NEXT STEP:

Continue to order, review, and determine what, if any, action will be taken against California licensees who have been disciplined by another state/agency. Updates will be provided to the committee and board at each meeting. Follow directions given by committee and/or board.

FINANCIAL IMPLICATION, IF ANY:

Updates will be provided at each DDC meeting regarding the data comparison results and costs at the AG's office and OAH for review and possible action.

PERSON TO CONTACT:

Stacie Berumen, Assistant Executive Officer
(916) 574-7678

Beth Scott, Deputy Chief of Discipline, Probation and Diversion
(916) 574-8187

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.2

DATE: September 14, 2011

ACTION REQUESTED: Information Only: Complaint Intake and Investigations Update

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

PROGRAM UPDATE

Staff

Due to the approval of two of our three individual freeze exemption requests, we were able to bring back two of our very valuable limited term employees in June 2011. Additional exemption requests were recently submitted to fill our remaining vacant positions – nursing education consultants, first line managers, special investigators, and office technicians. We have not received any qualified applications which meet the hiring freeze restrictions. The lack of support staff requires the analysts to perform technical work in addition to their highly analytical duties. Since we are unable to fully utilize their expertise, our progress to reduce case turnaround times is severely compromised.

We have had the opportunity to hire, as follows:

Complaint Intake: We recently filled all four analyst (AGPA and SSA) vacancies; however, this very busy unit is now left with only one half-time office technician (OT) and three OT vacancies.

Investigations: Northern - We conducted and cleared background investigations on four of our special investigator (SI) candidates, and the supervising SI. All began their positions in July/August 2011. We have three vacant SI positions remaining.

Investigations: Southern - Plans are underway to conduct interviews in Southern California to fill seven investigators and the supervisor position. However, we currently have very few DCA applications.

Program - Complaints

We are in the process of forming our new Complaint Intake unit. We added two more analysts, for a total of three, who not only share the applicant cases but also have taken over all new complaints for licensees with out of state discipline or convictions. Major changes are underway in processing licensing applicants. As of July 1, 2011, with the assistance of the Licensing program, all supporting documents are now obtained prior to case referral to Complaint Intake. Although in its infancy, we have already reduced those case turnaround times from two to three plus months, to less than one month. Our goal is to complete review of all applicant files in two weeks or less once we have our full compliment of staff and the licensing staff is more experienced in recognizing what constitutes a complete file.

Additionally, as of September 1, 2011, complaint intake will begin to request and track evidentiary

documents for all new complaints to support the nurses and/or investigators.

After thorough research on our retroactive fingerprint results from DOJ, approximately 5,000 licensees failed to comply with the retroactive fingerprint requirement. Due to staffing issues, we are unable to address all 5,000 licensees at one time, therefore, as their renewal date approaches, their license is placed on inactive status and a letter is sent informing them they are being referred to enforcement for further action. We anticipate a large increase in complaints and subsequent referrals to either Citation and Fine or the AG's office.

Program - Investigations

Three retired annuitant (RA) SIs are actively working our cases in Northern California. CLEAR training has been provided for the four new SIs and the supervising SI, as well as a 32-hour internal course. The special investigators will work closely with the RAs until they have proven they are ready to conduct independent investigations.

We continue to utilize the resources and expertise of DOI for the cases that meet their investigation criteria, as well as those that are prioritized as high or urgent – particularly in Southern California, as we have yet to hire BRN investigators. Only routine case investigations continue to be referred for BRN investigation.

The new investigators are reviewing our oldest cases, similar to the 365 review (all cases older than one year) that was done with DOI in 2009. There are approximately 120 from 2009 which will be referred to DOI if they merit further investigation.

Statistics

In FY 2010/11 we received 7,977 complaints, 494 more than last fiscal year. There are 789 DOI investigations and 464 BRN investigations pending completion.

Please review the enforcement statistics reports in 8.5 which have additional breakdowns of information.

NEXT STEP:

Continue filling CPEI positions as allowed within the hiring freeze limitations. Continue to monitor statistics for improvement in case processing time frames. Seek direction from the committee.

FINANCIAL IMPLICATION, IF ANY:

None at this time. Updates will be provided at each DDC meeting for review and possible action.

PERSON TO CONTACT:

Kathy Hodge, Deputy Chief, Complaints and Investigations
(916) 574-7678

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.3

DATE: September 14, 2011

ACTION REQUESTED: Information Only: Discipline and Probation Update

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

PROGRAM UPDATE

Staff

The Discipline Unit has a full-time permanent Office Technician vacancy. The Probation and Discipline Units each have a vacant limited term Office Technician position. Recruitment efforts were completed to fill these positions. With the hiring freeze limitations, we did not receive any eligible candidates. The limited term positions have just over 14 months remaining of the 24 months allowed.

Effective June 27, 2011, Lisa Hall started in the Probation Unit as an Associate Governmental Program Analyst (AGPA)/Probation Monitor. Lisa has experience with the BRN as a Staff Services Analyst in the Discipline Unit.

Effective July 5, 2011, Elizabeth Elias, AGPA/Probation Monitor became a special investigator for the BRN Investigations Unit; therefore, recruitment efforts have been initiated to fill the vacant position.

On August 1, 2011, Gina Skinner AGPA/Discipline Analyst assumed her new position in the Diversion Unit as an AGPA. Recruitment efforts have been initiated to fill the vacant position.

Program - Discipline

The BRN Discipline and Probation programs began preparing default decisions coming out of the Oakland and San Francisco AGs office as of December 25, 2010. Although we would like to take on the other AG office locations, we are unable to do so until we are authorized to put the appropriate level of personnel in place.

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

Until we are able to hire nurses and additional special investigators the Discipline analysts will continue to review completed investigation reports and obtains expert witness reports prior to closing or referring any cases for possible disciplinary action. This additional workload continues to cause delays in our case turnaround times.

Program - Probation

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records. Updates will be provided at each DDC meeting.

Statistics - Discipline

There are 1,160 cases pending at the AG's office which continues to remain at a very high level. The BRN continues to be the AGO's largest client, surpassing the Contractor's State Licensing Board. From July 1, 2010 to June 30, 2011, the BRN staff has served 976 accusations.

Please review additional statistical information which can be found under item 8.5.

Statistics – Probation

Below are the statistics for the Probation program from as of July 20, 2011.

Probation Data	Numbers	% of Total
Male	140	26%
Female	402	74%
Chemical Dependency	299	55%
Practice Case	175	32%
Mental Health	3	<1%
Conviction	65	12%
Advanced Certificates	52	9%
Probation Data	Numbers	% of Total
Southern California	293	54%
Northern California	249	46%
Pending at the AG	67	12%
License Revoked	7	<1%
License Surrendered	9	<1%
Terminated	6	<1%
Completed	14	<1%

NEXT STEP:

Continue to develop probation monitor procedure manual. Follow directions given by committee and/or board. Regain ability to prepare all default decisions.

FINANCIAL IMPLICATION, IF ANY:

None at this time. Updates will be provided at each DDC meeting for review and possible action.

PERSON TO CONTACT:

Beth Scott, Deputy Chief of Discipline, Probation, and Diversion
(916) 574-8187

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.4

DATE: September 14, 2011

ACTION REQUESTED: Information Only: Diversion Program Update

REQUESTED BY: Beth Scott, Deputy Chief, Discipline, Probation, and Diversion

BACKGROUND:

Program Update

At the 2011 Attorney Investigator Conference, the National Council of State Boards of Nursing (NCSBN) presented information for establishing Drug Monitoring Programs. The conference included the Journal of Nursing Regulation publication that referenced the Model Guidelines for Alternative Programs and Discipline Monitoring Programs. The model guidelines were developed by the nine - member committee established by NCSBN to review discipline and alternative programs. The program manager, Carol Stanford, was a part of this committee and assisted in the development of these standards. The journal can be provided upon your request

Effective August 1, 2011, Gina Skinner started in the Diversion Program as an Associate Governmental Program Analyst (AGPA). Gina has experience with the BRN as an AGPA in Enforcement. Gina is thrilled to join the Diversion Unit and has started familiarizing herself with the program. The Diversion Program has a vacant Office Technician position and recruitment efforts have begun.

The program manager, Carol Stanford and Maximus Project Director, Virginia Matthews are scheduled to present at an education seminar for Sutter Medical Center in Northern California on September 29, 2011. This was prompted by the presentation at the Diversion Program Education Seminar for the Hospital Association in Southern California. The feedback was very positive and requests were made to provide a similar presentation in the Northern area.

On October 25, 2011, a Diversion Liaison Committee meeting will be held in Northern California. The logistics for this meeting will be presented at the next DDC Meeting. New DDC members are encouraged to attend the Diversion Evaluation Committee training on October 26, 2011 in Northern California.

Contractor Update

The Diversion Program Committee, (DPC) continues to meet monthly to update all contract requirements. Dr. Stephen Grinstead, co-author of the Gorsky relapse prevention book and a leader in relapse prevention research, is scheduled to present at the next scheduled DPC meeting.

Diversion Evaluation Committees (DEC)

On July 21, 2011, DEC member, Dr. Diane Hambrick presented addiction and relapse information at the Enforcement Managers Roundtable. Her expertise and willingness to share with the Enforcement Managers is appreciated. The staff is looking to expand this training to other DCA employees.

There are currently 12 vacancies as follows: two Registered Nurses, five Physicians, and five public members. Recruitment efforts continue.

Statistics

The Monthly Statistical Summary Report for April, May and June, 2011, can be found under agenda item 8.5. As of June 30, 2011, there were 1,567 successful completions.

NEXT STEP:

None

FINANCIAL IMPLICATION, IF ANY:

None at this time. Updates will be provided at each DDC meeting for review and possible action.

PERSON TO CONTACT:

Carol Stanford, Diversion Program Manager
(916) 574-7616

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.4.1

DATE: September 14, 2011

ACTION REQUESTED: Diversion Evaluation Committee Resignation

REQUESTED BY: Beth Scott, Deputy Chief, Discipline, Probation, and Diversion

BACKGROUND:

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

The following Diversion Evaluation Committee member has resigned for personal reasons. He will be recognized and a letter of appreciation will be mailed out.

RESIGNATION

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Juan Martinez	Nurse	North Central	12

NEXT STEP: Continue recruiting efforts

FINANCIAL IMPLICATION, IF ANY: None at this time

PERSON TO CONTACT: Carol Stanford, Diversion Program Manager
(916) 574-7616

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.4.2

DATE: September 14, 2011

ACTION REQUESTED: Diversion Evaluation Committee (DEC) Member
Appointments, Reappointments, and Transfer

REQUESTED BY: Beth Scott, Deputy Chief, Discipline, Probation, and Diversion

BACKGROUND:

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

APPOINTMENTS

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire June 30, 2015

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Ina Zelikman	RN	Bay Area	2
George Warner	Public	Palm Springs	6
Barry Solof	Physician	San Jose	7
John Harsany	Physician	San Diego	10
Scott Reiter	Physician	North Coast	11
Cynthia Rinde	Public	Oakland	13
Clifton Schermerhorn	Physician	Oakland	13
Jack Friedman	Physician	Santa Ana	14

NEXT STEP: Continue recruiting efforts

FINANCIAL IMPLICATION, IF ANY: None

PERSON TO CONTACT: Carol Stanford, Diversion Program Manager
(916) 574-7616

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.5

DATE: September 14, 2011

ACTION REQUESTED: Information Only: Enforcement Division Statistics

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

Attached you will find statistics for the Enforcement Division and the Diversion Program. Please review the information provided.

NEXT STEP: Updates will be provided to the committee and board at each meeting. Follow directions given by committee and/or board.

FINANCIAL IMPLICATION, IF ANY: None at this time

PERSON TO CONTACT: Stacie Berumen, Assistant Executive Officer
(916) 574-7678

Beth Scott, Deputy Chief of Discipline, Probation and
Diversion
(916) 574-8187

**CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS**

June 30, 2011

STATISTICAL DESCRIPTION	2006-07	2007-08	2008-09	2009-10	2010-11
Complaints Received	3,361	3,900	5,794	7,483	7,977
Consumer Complaints	2,499	2,781	3,323	2,190	3,063
Convictions/Arrests	862	1,119	2,471	5,293	4,914
Referred to Diversion Program	367	332	400	604	582
Division of Investigation (Sworn)-Assigned	580	816	582	484	835
Division of Investigation Closed	491	771	748	1,015	716
Division of Investigation Pending	1,291	1,336	1,170	641	789
BRN Investigations (Non Sworn)-Assigned				58	33
BRN Investigations Closed				14	53
BRN Investigations Pending				40	25
BRN Desk Investigations Assigned	2,645	3,140	5,650	7,865	7,409
BRN Desk Investigations Closed	1,975	2,319	3,519	7,116	6,668
BRN Desk Investigations Pending	829	928	1,677	1,887	2,137
Criminal Actions Filed	7	23	22	21	16
Total Cite and Fine Citations Issued	17	35	115	181	105
Referred to Attorney General	314	436	515	766	1,190
Cases Pending at Attorney General	604	599	692	838	1,198
Petitions to Revoke Probation Filed	44	74	59	91	61
Accusations Filed	336	404	359	696	913
Statements of Issues Filed	22	16	14	13	52
Total Pleadings	314	494	432	800	1,026
Orders to Compel Examination (Sec. 820)	5	6	4	4	10
Interim Suspension Order	3	1	2	8	1
PC23	2	4	8	6	7
Applicant Disciplinary Actions:					
(a) License Denied	19	17	15	27	55
(b) License Issued on Probation	15	10	4	9	14
Total, Applicant Discipline	34	27	19	36	69
Licensee Disciplinary Actions:					
(a) Revocation	101	121	131	243	273
(b) Probation	120	131	139	176	267
(c) Suspension/Probation	6	10	6	1	6
(d) License Surrendered	67	73	79	92	155
(e) Public Reprimand/Reproval	9	3	8	12	37
(f) Decisions Other	3	1	5	2	5
Total, Licensee Discipline	306	339	368	526	743
Process Used for Discipline (licensees)					
(a) Administrative Hearing	44	38	56	58	102
(b) Default Decision	76	101	105	206	217
(c) Stipulation	186	200	207	262	424
Total	306	339	368	526	743

Board of Registered Nursing
Enforcement Division Statistics
FY 2010/2011

Complaint Intake	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
Complaints Received	1,000	646	442	969	3,057
Closed Without Investigation	116	136	118	178	548
Assigned for Investigation	826	603	302	744	2,475
Avg Days to Close or Assign	14	20	24	12	17
Pending Complaints	192	98	119	183	183
Conviction/Arrest Reports Received	1,182	1,338	1,089	1,302	4,911
Closed/Assigned for Investigation	1,185	1,440	1,084	1,328	5,037
Avg Days to Close or Assign	17	19	16	9	15
Pending Court/Arrest Complaints	235	133	138	121	121
Total Complaints Received	2,182	1,984	1,531	2,271	7,968
Total Closed Without Investigation Assignment	125	141	122	260	648
Total Assigned for Investigation	2,002	2,038	1,382	1,990	7,412
Avg Days to Close or Assign	16	19	18	10	16
Total Pending Complaints	427	231	257	304	304

Investigations	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
Desk Investigations Assigned	1,999	2,042	1,381	1,986	7,408
Desk Investigations Closed	1,740	1,755	1,596	1,697	6,788
Avg Days to Close Desk Investigations	88	84	97	74	86
Pending Desk Investigations	2,424	2,528	1,988	2,140	2,140
Non-Sworn Field Investigations Assigned	12	8	12	1	33
Non-Sworn Field Investigations Closed	12	19	17	5	53
Avg Days to Close Non-Sworn Field Investigations	377	458	415	454	443
Pending Non-Sworn Field Investigations	46	35	29	25	25
Unassigned Non-Sworn Field Investigations					0
Sworn Field Investigations Assigned	79	168	312	272	831
Sworn Field Investigations Closed	261	159	141	168	729
Avg Days to Close Sworn Field Investigations	650	523	498	451	549
Pending Sworn Field Investigations	486	493	669	789	789
All Investigations First Assigned	2,000	2,046	1,385	1,992	7,423
All Investigations Closed	2,013	1,933	1,754	1,870	7,570
Avg Days to Close All Investigations	161	121	130	109	133
Pending All Investigations	2,956	3,059	2,686	2,954	2,954
Closed Without Referral to Discipline	1,471	1,582	1,467	1,580	6,100
Avg Days to Close Without Referral to Discipline	121	98	113	89	106

Investigations Aging	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
0-90 Days	1,262	1,214	1,047	1,263	4,786
91-180 Days	263	352	334	221	1,170
181 Days - 1 Year	175	190	188	266	819
1-2 Years	221	128	149	87	585
2-3 Years	67	46	27	27	167
Over 3 Years	25	3	9	6	43

Citations	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
Final Citations	38	22	12	33	105
Avg Days to Complete Citations	184	198	214	211	199

Board of Registered Nursing
Enforcement Division Statistics
FY 2010/2011

Disciplinary Cases	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
AG Cases Initiated	434	284	236	235	1,189
AG Cases Pending	1,115	1,196	1,201	1,160	1,160
Statements of Issue Filed	3	9	18	22	52
SOI Proposed/Default Decisions	0	0	1	2	3
SOI Stipulated Decisions	0	2	0	10	12
SOI Final Orders (Adopted by Board)	0	2	1	12	15
SOI Avg Days to Complete	0	401	292	384	380
Accusations Filed	273	302	209	192	976
Accusations - Proposed/Default Decisions	58	60	93	97	308
Accusations - Stipulated Decisions	71	102	106	132	411
Accusations - Final Orders (Adopted by Board)	129	162	199	229	719
Accusations - All Decisions Avg Days to Complete	908	798	766	681	746
Total Final Orders (Adopted by Board)	129	164	200	241	734
Total Avg Days to Complete	908	798	766	667	738
Accusations Withdrawn	7	10	7	4	28
Accusations Dismissed	2	0	2	4	8
Accusations Declined	5	16	11	18	50
Avg Days to Complete Accusations W/D, Dis, Dec	829	549	650	565	680
Cases Closed Without Disciplinary Action	11	11	6	8	36
Avg Days to Complete Cases Closed W/O Discipline	335	478	193	420	413
Total Orders Aging	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
0-90 Days	0	0	0	0	0
91-180 Days	3	5	8	6	22
181 Days - 1 Year	21	28	70	80	199
1-2 Years	28	52	55	72	207
2-3 Years	34	36	30	44	144
Over 3 Years	43	43	37	39	162

**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
April, May and June**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	40	168	4,264
INTAKE INFORMATION			
Female	30	128	3,356
Male	10	40	908
Average Age	34-39		
Most Common Worksite	Hospital		
Most Common Specialty	Critical Care/Emergency		
Most Common Substance Abused	Alcohol/Hydrocodone		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	11	86	2,775
Mental Illness (only)	0	0	144
Dual Diagnosis	29	79	1,301
Undetermined	0	2	43
REFERRAL TYPE*			
Self	22	66	1,313
Board	18	102	2,951
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
Asian	2	5	85
African American	1	4	133
Hispanic	1	10	160
Native American	0	2	30
Pacific Islander	0	3	17
Caucasian	35	142	3,512
Other	1	2	61
Not Reported	0	0	266
CLOSURES			
Successful Completion	22	83	1,567
Failure to Derive Benefit	2	5	107
Failure to Comply	3	18	924
Moved to Another State	0	0	51
Not Accepted by DEC	2	5	44
Voluntary Withdrawal Post-DEC	3	7	287
Voluntary Withdrawal Pre-DEC	4	21	413
Closed Public Risk	6	33	215
No Longer Eligible	1	3	20
Client Expired	0	1	37
TOTAL CLOSURES	43	176	3,665
NUMBER OF PARTICIPANTS: 485 (as of June 30, 2011)			